

[12-1-95; 20.6.2.2200 NMAC - Rn, 20 NMAC 6.2.II.2200, 1-15-01]

20.6.2.2201 DISPOSAL OF REFUSE: No person shall dispose of any refuse in a natural watercourse or in a location and manner where there is a reasonable probability that the refuse will be moved into a natural watercourse by leaching or otherwise. Solids diverted from the stream and returned thereto are not subject to abatement under this Section.
[4-20-68, 9-3-72; 20.6.2.2201 NMAC - Rn, 20 NMAC 6.2.II.2201, 1-15-01]

20.6.2.2202 - 20.6.2.2999: [RESERVED]

[12-1-95; 20.6.2.2202 - 20.6.2.2999 NMAC - Rn, 20 NMAC 6.2.II.2202-3100, 1-15-01]

20.6.2.3000 PERMITTING AND GROUND WATER STANDARDS:

[12-1-95; 20.6.2.3000 NMAC - Rn, 20 NMAC 6.2.III, 1-15-01]

20.6.2.3001 - 20.6.2.3100: [RESERVED]

[12-1-95; 20.6.2.3001 - 20.6.2.3100 NMAC - Rn, 20 NMAC 6.2.II.2202-3100, 1-15-01]

20.6.2.3101 PURPOSE:

A. The purpose of Sections 20.6.2.3000 through 20.6.2.3114 NMAC controlling discharges onto or below the surface of the ground is to protect all ground water of the state of New Mexico which has an existing concentration of 10,000 mg/l or less TDS, for present and potential future use as domestic and agricultural water supply, and to protect those segments of surface waters which are gaining because of ground water inflow, for uses designated in the New Mexico Water Quality Standards. Sections 20.6.2.3000 through 20.6.2.3114 NMAC are written so that in general:

(1) if the existing concentration of any water contaminant in ground water is in conformance with the standard of 20.6.2.3103 NMAC, degradation of the ground water up to the limit of the standard will be allowed; and

(2) if the existing concentration of any water contaminant in ground water exceeds the standard of Section 20.6.2.3103 NMAC, no degradation of the ground water beyond the existing concentration will be allowed.

B. Ground water standards are numbers that represent the pH range and maximum concentrations of water contaminants in the ground water which still allow for the present and future use of ground water resources.

C. The standards are not intended as maximum ranges and concentrations for use, and nothing herein contained shall be construed as limiting the use of waters containing higher ranges and concentrations.

[2-18-77; 20.6.2.3101 NMAC - Rn, 20 NMAC 6.2.III.3101, 1-15-01]

20.6.2.3102: [RESERVED]

[12-1-95; 20.6.2.3102 NMAC - Rn, 20 NMAC 6.2.III.3102, 1-15-01]

20.6.2.3103 STANDARDS FOR GROUND WATER OF 10,000 mg/l TDS CONCENTRATION OR LESS: The following standards are the allowable pH range and the maximum allowable concentration in ground water for the contaminants specified unless the existing condition exceeds the standard or unless otherwise provided in Subsection D of Section 20.6.2.3109 NMAC. Regardless of whether there is one contaminant or more than one contaminant present in ground water, when an existing pH or concentration of any water contaminant exceeds the standard specified in Subsection A, B, or C of this section, the existing pH or concentration shall be the allowable limit, provided that the discharge at such concentrations will not result in concentrations at any place of withdrawal for present or reasonably foreseeable future use in excess of the standards of this section. These standards shall apply to the dissolved portion of the contaminants specified with a definition of dissolved being that given in the publication "*methods for chemical analysis of water and waste of the U.S. environmental protection agency*," with the exception that standards for mercury, organic compounds and non-aqueous phase liquids shall apply to the total unfiltered concentrations of the contaminants.

A. Human Health Standards-Ground water shall meet the standards of Subsection A and B of this section unless otherwise provided. If more than one water contaminant affecting human health is present, the toxic pollutant criteria as set forth in the definition of toxic pollutant in Section 20.6.2.1101 NMAC for the combination of contaminants, or the Human Health Standard of Subsection A of Section 20.6.2.3103 NMAC for each contaminant shall apply, whichever is more stringent. Non-aqueous phase liquid shall not be present floating atop of or immersed within ground water, as can be reasonably measured.

(1) Arsenic (As).....	0.1 mg/l
(2) Barium (Ba).....	1.0 mg/l
(3) Cadmium (Cd).....	0.01 mg/l
(4) Chromium (Cr).....	0.05 mg/l
(5) Cyanide (CN).....	0.2 mg/l
(6) Fluoride (F).....	1.6 mg/l
(7) Lead (Pb).....	0.05 mg/l
(8) Total Mercury (Hg).....	0.002 mg/l
(9) Nitrate (NO ₃ as N).....	10.0 mg/l

(10)	Selenium (Se).....	0.05 mg/l
(11)	Silver (Ag).....	0.05 mg/l
(12)	Uranium (U).....	0.03 mg/l
(13)	Radioactivity: Combined Radium-226 & Radium-228.....	30 pCi/l
(14)	Benzene.....	0.01 mg/l
(15)	Polychlorinated biphenyls (PCB's).....	0.001 mg/l
(16)	Toluene.....	0.75 mg/l
(17)	Carbon Tetrachloride.....	0.01 mg/l
(18)	1,2-dichloroethane (EDC)	0.01 mg/l
(19)	1,1-dichloroethylene (1,1-DCE)	0.005 mg/l
(20)	1,1,2,2-tetrachloroethylene (PCE)	0.02 mg/l
(21)	1,1,2-trichloroethylene (TCE)	0.1 mg/l
(22)	ethylbenzene.....	0.75 mg/l
(23)	total xylenes.....	0.62 mg/l
(24)	methylene chloride.....	0.1 mg/l
(25)	chloroform.....	0.1 mg/l
(26)	1,1-dichloroethane.....	0.025 mg/l
(27)	ethylene dibromide (EDB)	0.0001 mg/l
(28)	1,1,1-trichloroethane.....	0.06 mg/l
(29)	1,1,2-trichloroethane.....	0.01 mg/l
(30)	1,1,2,2-tetrachloroethane.....	0.01 mg/l
(31)	vinyl chloride.....	0.001 mg/l
(32)	PAHs: total naphthalene plus monomethylnaphthalenes.....	0.03 mg/l
(33)	benzo-a-pyrene.....	0.0007 mg/l

B. Other Standards for Domestic Water Supply

(1)	Chloride (Cl)	250.0 mg/l
(2)	Copper (Cu)	1.0 mg/l
(3)	Iron (Fe)	1.0 mg/l
(4)	Manganese (Mn)	0.2 mg/l
(6)	Phenols.....	0.005 mg/l
(7)	Sulfate (SO ₄)	600.0 mg/l
(8)	Total Dissolved Solids (TDS)	1000.0 mg/l
(9)	Zinc (Zn)	10.0 mg/l
(10)	pH.....	between 6 and 9

C. Standards for Irrigation Use - Ground water shall meet the standards of Subsection A, B, and C of this section unless otherwise provided.

(1)	Aluminum (Al).....	5.0 mg/l
(2)	Boron (B)	0.75 mg/l
(3)	Cobalt (Co)	0.05 mg/l
(4)	Molybdenum (Mo)	1.0 mg/l
(5)	Nickel (Ni)	0.2 mg/l

[2-18-77, 1-29-82, 11-17-83, 3-3-86, 12-1-95; 20.6.2.3103 NMAC - Rn, 20 NMAC 6.2.III.3103, 1-15-01; A, 9-26-04]

[Note: For purposes of application of the amended numeric uranium standard to past and current water discharges (as of 9-26-04), the new standard will not become effective until June 1, 2007. For any new water discharges, the uranium standard is effective 9-26-04.]

20.6.2.3104 DISCHARGE PERMIT REQUIRED: Unless otherwise provided by this Part, no person shall cause or allow effluent or leachate to discharge so that it may move directly or indirectly into ground water unless he is discharging pursuant to a discharge permit issued by the secretary. When a permit has been issued, discharges must be consistent with the terms and conditions of the permit. In the event of a transfer of the ownership, control, or possession of a facility for which a discharge permit is in effect, the transferee shall have authority to discharge under such permit, provided that the transferee has complied with Section 20.6.2.3111 NMAC, regarding transfers.
[2-18-77, 12-24-87, 12-1-95; Rn & A, 20.6.2.3104 NMAC - 20 NMAC 6.2.III.3104, 1-15-01; A, 12-1-01]

20.6.2.3105 EXEMPTIONS FROM DISCHARGE PERMIT REQUIREMENT: Sections 20.6.2.3104 and 20.6.2.3106 NMAC do not apply to the following:

A. Effluent or leachate which conforms to all the listed numerical standards of Section 20.6.2.3103 NMAC and has a total nitrogen concentration of 10 mg/l or less, and does not contain any toxic pollutant. To determine conformance, samples may be taken by the agency before the effluent or leachate is discharged so that it may move directly or indirectly into ground water; provided that if the discharge is by seepage through non-natural or altered natural materials, the agency may take samples of the solution before or after seepage. If for any reason the agency does not have access to

obtain the appropriate samples, this exemption shall not apply;

B. Effluent which is discharged from a sewerage system used only for disposal of household and other domestic waste which is designed to receive and which receives 2,000 gallons or less of liquid waste per day;

C. Water used for irrigated agriculture, for watering of lawns, trees, gardens or shrubs, or for irrigation for a period not to exceed five years for the revegetation of any disturbed land area, unless that water is received directly from any sewerage system;

D. Discharges resulting from the transport or storage of water diverted, provided that the water diverted has not had added to it after the point of diversion any effluent received from a sewerage system, that the source of the water diverted was not mine workings, and that the secretary has not determined that a hazard to public health may result;

E. Effluent which is discharged to a watercourse which is naturally perennial; discharges to dry arroyos and ephemeral streams are not exempt from the discharge permit requirement, except as otherwise provided in this section;

F. Those constituents which are subject to effective and enforceable effluent limitations in a National Pollutant Discharge Elimination System (NPDES) permit, where discharge onto or below the surface of the ground so that water contaminants may move directly or indirectly into ground water occurs downstream from the outfall where NPDES effluent limitations are imposed, unless the secretary determines that a hazard to public health may result. For purposes of this subsection, monitoring requirements alone do not constitute effluent limitations;

G. Discharges resulting from flood control systems;

H. Leachate which results from the direct natural infiltration of precipitation through disturbed materials, unless the secretary determines that a hazard to public health may result;

I. Leachate which results entirely from the direct natural infiltration of precipitation through undisturbed materials;

J. Leachate from materials disposed of in accordance with the Solid Waste Management Regulations (20 NMAC 9.1) adopted by the New Mexico Environmental Improvement Board;

K. Natural ground water seeping or flowing into conventional mine workings which re-enters the ground by natural gravity flow prior to pumping or transporting out of the mine and without being used in any mining process; this exemption does not apply to solution mining;

L. Effluent or leachate discharges resulting from activities regulated by a mining plan approved and permit issued by the New Mexico Coal Surface Mining Commission, provided that this exemption shall not be construed as limiting the application of appropriate ground water protection requirements by the New Mexico Coal Surface Mining Commission;

M. Effluent or leachate discharges which are regulated by the Oil Conservation Commission and the regulation of which by the Water Quality Control Commission would interfere with the exclusive authority granted under Section 70-2-12 NMSA 1978, or under other laws, to the Oil Conservation Commission.

[2-18-77, 6-26-80, 7-2-81, 12-24-87, 12-1-95; 20.6.2.3105 NMAC - Rn, 20 NMAC 6.2.III.3105, 1-15-01; A, 12-1-01]

20.6.2.3106 APPLICATION FOR DISCHARGE PERMITS AND RENEWALS:

A. Any person who, before or on June 18, 1977, is discharging any of the water contaminants listed in Section 20.6.2.3103 NMAC or any toxic pollutant so that they may move directly or indirectly into ground water shall, within 120 days of receipt of written notice from the secretary that a discharge permit is required, or such longer time as the secretary shall for good cause allow, submit a discharge plan to the secretary for approval; such person may discharge without a discharge permit until 240 days after written notification by the secretary that a discharge permit is required or such longer time as the secretary shall for good cause allow.

B. Any person who intends to begin, after June 18, 1977, discharging any of the water contaminants listed in Section 20.6.2.3103 NMAC or any toxic pollutant so that they may move directly or indirectly into ground water shall notify the secretary giving the information enumerated in Subsection B of Section 20.6.2.1201 NMAC; the secretary shall, within 60 days, notify such person if a discharge permit is required; upon submission, the secretary shall review the discharge plan pursuant to Sections 20.6.2.3108 and 20.6.2.3109 NMAC. For good cause shown the secretary may allow such person to discharge without a discharge permit for a period not to exceed 120 days.

C. A proposed discharge plan shall set forth in detail the methods or techniques the discharger proposes to use or processes expected to naturally occur which will ensure compliance with this Part. At least the following information shall be included in the plan:

- (1) Quantity, quality and flow characteristics of the discharge;
- (2) Location of the discharge and of any bodies of water, watercourses and ground water discharge sites within one mile of the outside perimeter of the discharge site, and existing or proposed wells to be used for monitoring;
- (3) Depth to and TDS concentration of the ground water most likely to be affected by the discharge;
- (4) Flooding potential of the site;
- (5) Location and design of site(s) and method(s) to be available for sampling, and for measurement or calculation of flow;
- (6) Depth to and lithological description of rock at base of alluvium below the discharge site if such information is available;
- (7) Any additional information that may be necessary to demonstrate that the discharge permit will not result in concentrations in excess of the standards of Section 20.6.2.3103 NMAC or the presence of any toxic pollutant at any place

of withdrawal of water for present or reasonably foreseeable future use. Detailed information on site geologic and hydrologic conditions may be required for a technical evaluation of the applicant's proposed discharge plan; and

(8) Additional detailed information required for a technical evaluation of underground injection control wells as provided in Sections 20.6.2.5000 through 20.6.2. 5299 NMAC,

D. An applicant for a discharge permit shall pay fees as specified in Section 20.6.2.3114 NMAC.

E. An applicant for a permit to dispose of or use septage or sludge, or within a source category designated by the commission, may be required by the secretary to file a disclosure statement as specified in 74-6-5.1 of the Water Quality Act.

F. If the holder of a discharge permit submits an application for discharge permit renewal at least 120 days before the discharge permit expires, and the discharger is not in violation of the discharge permit on the date of its expiration, then the existing discharge permit for the same activity shall not expire until the application for renewal has been approved or disapproved. A discharge permit continued under this provision remains fully effective and enforceable. An application for discharge permit renewal must include and adequately address all of the information necessary for evaluation of a new discharge permit. Previously submitted materials may be included by reference provided they are current, readily available to the secretary and sufficiently identified to be retrieved.

[2-18-77, 6-26-80, 7-2-81, 9-20-82, 8-17-91, 12-1-95; 20.6.2.3106 NMAC - Rn, 20 NMAC 6.2.III.3106, 1-15-01; A, 12-1-01; A, 9-15-02]

20.6.2.3107 MONITORING, REPORTING, AND OTHER REQUIREMENTS:

A. Each discharge plan shall provide for the following as the secretary may require:

- (1) The installation, use, and maintenance of effluent monitoring devices;
- (2) The installation, use, and maintenance of monitoring devices for the ground water most likely to be affected by the discharge;
- (3) Monitoring in the vadose zone;
- (4) Continuation of monitoring after cessation of operations;
- (5) Periodic submission to the secretary of results obtained pursuant to any monitoring requirements in the discharge permit and the methods used to obtain these results;
- (6) Periodic reporting to the secretary of any other information that may be required as set forth in the discharge permit;
- (7) The discharger to retain for a period of at least five years any monitoring data required in the discharge permit;
- (8) A system of monitoring and reporting to verify that the permit is achieving the expected results;
- (9) Procedures for detecting failure of the discharge system;
- (10) Contingency plans to cope with failure of the discharge permit or system;
- (11) A closure plan to prevent the exceedance of standards of Section 20.6.2.3103 NMAC or the presence of a toxic pollutant in ground water after the cessation of operation which includes: a description of closure measures, maintenance and monitoring plans, post-closure maintenance and monitoring plans, financial assurance, and other measures necessary to prevent and/or abate such contamination. The obligation to implement the closure plan as well as the requirements of the closure plan, if any is required, survives the termination or expiration of the permit. A closure plan for any underground injection control well must also incorporate the applicable requirements of Sections 20.6.2.5005 and 20.6.2.5209 NMAC.

B. Sampling and analytical techniques shall conform with the following references unless otherwise specified by the secretary:

- (1) Standard Methods for the Examination of Water and Wastewater, latest edition, American Public Health Association; or
- (2) Methods for Chemical Analysis of Water and Waste, and other publications of the Analytical Quality Laboratory, EPA; or
- (3) Techniques of Water Resource Investigations of the U.S. Geological Survey; or
- (4) Annual Book of ASTM Standards. Part 31. Water, latest edition, American Society For Testing and Materials; or
- (5) Federal Register, latest methods published for monitoring pursuant to Resource Conservation and Recovery Act regulations; or
- (6) National Handbook of Recommended Methods for Water-Data Acquisition, latest edition, prepared cooperatively by agencies of the United States Government under the sponsorship of the U.S. Geological Survey.

C. The discharger shall notify the secretary of any facility expansion, production increase or process modification that would result in any significant modification in the discharge of water contaminants.

D. Any discharger of effluent or leachate shall allow any authorized representative of the secretary to:

- (1) inspect and copy records required by a discharge permit;
- (2) inspect any treatment works, monitoring and analytical equipment;
- (3) sample any effluent before or after discharge;
- (4) use monitoring systems and wells installed pursuant to a discharge permit requirement in order to collect